

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17012 of 2004

Between:

S.A. Hafeez, S/o Syed Ali
Hyderabad-2 Depot, R/o H.No. 18-9-24/4, Chandrayangutta,
Keshavgiri, Hyderabad

..... PETITIONER

AND

- 1 The Andhra Pradesh State Road Transport Corporation,
rep by Managing Director, RTC X Roads,
Mushirabad, Hyderabad
- 2 The Regional Manager, APSRTC., Hyderabad
- 3 The Depot Manager, Hyderabad-2 Depot APSRTC, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly in the nature of Writ of Mandamus by declaring the action of the respondents in not providing alternative appointment to the petitioner as Cleaner or Helper is illegal, arbitrary and void and in consequence thereof to direct the respondents to provide alternative appointment to the petitioner as cleaner or Helper in Hyderabad Division or in any other division in the interest of justice and fair play.

Counsel for the Petitioner:MR.R. RAJASEKHARA RAO

Counsel for the Respondent Nos 1 to 3: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

The Court at the stage of admission made the following ORDER :

The petitioner worked as a Driver in the respondent-Corporation. The third respondent through the order dated 27-09-2002 found the petitioner medically unfit for performing the duties of the driver. Therefore, the petitioner was retired from services with effect from 23-09-2002 on medical grounds. Prior to that, a letter was addressed to the petitioner on 09-09-2002 asking him to submit his willingness to retire on medical grounds or to have any alternative job, if the conditions permit. But, there is no mention about the fitness of the petitioner for any alternative job in the proceedings dated 27-09-2002. The petitioner contends that since he was retired on medical invalidation on the ground that he is unfit to perform the duties of A-1 driver, he is entitled for an alternative employment under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995(for short 'the Act'). The petitioner submits that though he made a representation to the third respondent to consider his case for alternative appointment, it was not considered. Therefore, he approached this Court seeking a direction to the respondents to provide alternative appointment to him as a cleaner or helper at any place in the Corporation.

In the light of Section 47 of the Act, and in the light of the letter addressed by the third respondent on 09-09-2002, the respondents are directed to consider the case of the petitioner, for providing an alternative employment and pass appropriate orders by keeping in view the length of service rendered by him in the Corporation and the nature of disability with which he is suffering, within two months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

Dr. G. Yethirajulu, J.

Dt:11th October, 2004.

Rns.

To

- 1 The Managing Director,
Andhra Pradesh State Road Transport Corporation,
RTC X Roads, Mushirabad, Hyderabad.
- 2 The Regional Manager, APSRTC., Hyderabad.
- 3 The Depot Manager, Hyderabad-2 Depot, APSRTC, Hyderabad
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